

CHAPTER 1181
FORGERY AND RELATED MATTERS
S.F. 284

AN ACT relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing criminal penalties and providing civil penalties for employers hiring individuals with forged documents regarding the individuals' entry into, study,* or employment in the United States.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 91E.3, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. That possession of forged documentation authorizing the person to stay or be employed in the United States is a class "D" felony.

Sec. 2. Section 715A.2, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Possesses a writing which the person knows to be forged in a manner specified in paragraph "a" or "b".

Sec. 3. Section 715A.2, subsection 2, paragraph a, Code 1995, is amended to read as follows:

a. Forgery is a class "D" felony if the writing is or purports to be ~~part~~ any of the following:

(1) Part of an issue of money, securities, postage or revenue stamps, or other instruments issued by the government, ~~or part.~~

(2) Part of an issue of stock, bonds, credit-sale contracts as defined in section 203.1, or other instruments representing interests in or claims against any property or enterprise, ~~or a.~~

(3) A check, draft, or other writing which ostensibly evidences an obligation of the person who has purportedly executed it or authorized its execution.

(4) A document prescribed by statute, rule, or regulation for entry into or as evidence of authorized stay or employment in the United States.

Sec. 4. NEW SECTION. 715A.2A ACCOMMODATION OF FORGERY – PENALTY.

1. An employer is subject to the civil penalty in this section if the employer does either of the following:

a. Hires a person when the employer or an agent or employee of the employer knows that the document evidencing the person's authorized stay or employment in the United States is in violation of section 715A.2, subsection 2, paragraph "a", subparagraph (4), or knows that the person is not authorized to be employed in the United States.

b. Continues to employ a person when the employer or an agent or employee of the employer knows that the document evidencing the person's authorized stay or employment in the United States is in violation of section 715A.2, subsection 2, paragraph "a", subparagraph (4), or knows that the person is not authorized to be employed in the United States.

2. An employer who establishes that it has complied in good faith with the requirements of 8 U.S.C. § 1324(b) with respect to the hiring or continued employment of an alien in the United States has established an affirmative defense that the employer has not violated this section.

3. An employer who violates this section shall cease and desist from further violations and shall pay the following civil penalty:

a. For a first violation, not less than two hundred and fifty dollars and not more than two thousand dollars for each unauthorized alien hired or employed.

*The word "stay" probably intended

b. For a second violation, not less than two thousand dollars and not more than five thousand dollars for each unauthorized alien hired or employed.

c. For a third or subsequent violation, not less than three thousand dollars and not more than ten thousand dollars for each unauthorized alien hired or employed.

In addition, an employer found to have violated this section shall be assessed the costs of the action to enforce the civil penalty, including the reasonable costs of investigation and attorneys' fees.

4. A civil action to enforce this provision shall be by equitable proceedings instituted by the attorney general or county attorney.

5. Penalties ordered pursuant to this section shall be paid to the treasurer of state for deposit in the general fund of the state.

Approved May 1, 1996

CHAPTER 1182

PIONEER CEMETERIES - CEMETERY LEVY

H.F. 2491

AN ACT relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION.** 331.325 CONTROL AND MAINTENANCE OF PIONEER CEMETERIES - CEMETERY COMMISSION.

1. As used in this section, "pioneer cemetery" means a cemetery where there have been six or fewer burials in the preceding fifty years.

2. Each county board of supervisors may adopt an ordinance assuming jurisdiction and control of pioneer cemeteries in the county. The board shall exercise the powers and duties of township trustees relating to the maintenance and repair of cemeteries in the county as provided in sections 359.28 through 359.41 except that the board shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the maintenance and repair of all cemeteries under the jurisdiction of the county including pioneer cemeteries shall be paid from the county general fund. The maintenance and improvement program for a pioneer cemetery may include restoration and management of native prairie grasses and wildflowers.

3. In lieu of management of the cemeteries, the board of supervisors may create, by ordinance, a cemetery commission to assume jurisdiction and management of the pioneer cemeteries in the county. The ordinance shall delineate the number of commissioners, the appointing authority, the term of office, officers, employees, organizational matters, rules of procedure, compensation and expenses, and other matters deemed pertinent by the board. The board may delegate any power and duties relating to cemeteries which may otherwise be exercised by township trustees pursuant to sections 359.28 through 359.41 to the cemetery commission except the commission shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the expenses of the cemetery commission shall be paid from the county general fund.

4. Notwithstanding sections 359.30 and 359.33, the costs of management, repair, and maintenance of pioneer cemeteries shall be paid from the county general fund.